



SO ORDERED.

SIGNED this 21 day of August, 2014.

*Stephani W. Humrickhouse*

Stephani W. Humrickhouse  
United States Bankruptcy Judge

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UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
RALEIGH DIVISION

IN RE:  
JAMES DEPIETRO  
SHIRLEY MAY DEPIETRO  
DEBTOR(S)

CASE NUMBER:  
11-05019-8-SWH  
CHAPTER 13

**CONSENT ORDER DECLARING MORTGAGE PAYMENT CURRENT**

**THIS MATTER** coming to be heard upon the Motion to Declare Mortgage Payment Current filed by John F. Logan, Standing Chapter 13 Trustee, and it appearing to the Court as follows:

1. The Debtors filed a voluntary Chapter 13 Petition on June 30, 2011.
2. The Debtors' Chapter 13 Plan was confirmed on November 15, 2011.
3. WAKE FOREST SAVINGS & LOAN ASSOCIATION ("Creditor") filed a claim in this case (Court Claim #8) secured by the Debtors' residence. The Trustee has disbursed a total of \$23,734.72 to the Creditor, representing contractual post-petition mortgage payments for the months September 2011 through April 2014. All post-petition contractual mortgage payments owed to the Creditor have been paid.
4. In addition to the contractual post-petition mortgage payments, the Creditor was also allowed a pre-petition arrearage claim in the amount of \$2,966.17. This claim has been paid in full.
5. The claim of the Creditor was allowed as a long-term debt pursuant to the provision of 11 U.S.C. §1322(b)(5).
6. There are no other permissible fees, expenses, or charges accruing on the Mortgage Loan from the Petition date through the date of the Motion that have not been paid.

7. The Creditor was served with a Notice of Final Cure Payment and Completion of Payments Under the Plan ("Notice") complying with Federal Rule of Bankruptcy Procedure 3002.1(f) and (g).
8. The Creditor has not filed a Response to the Trustee's Notice.
9. The Trustee filed a Motion to Declare Mortgage Payment Current on July 3, 2014.
10. The Creditor filed a Response on July 7, 2014 containing a statement disagreeing with the Trustee's Motion to Declare Mortgage Payment Current.
11. The Debtors have completed the Plan and are entitled to entry of a discharge.
12. The parties below have reached a consensual agreement regarding the principal amount due and owing the Creditor as of April 24, 2014.

**NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED** as follows:

1. The Creditor shall treat the Debtors' mortgage as reinstated and fully current in all obligations under the mortgage.
2. The principal amount due and owing to the Creditor as of April 24, 2014 was \$115,172.32.
3. The Debtors shall continue making the contractual monthly payments directly to the Creditor beginning May 1, 2014.

Dated: August 15, 2014

/s/ John F. Logan  
**JOHN F. LOGAN**  
NC State Bar No. 12473  
Chapter 13 Trustee  
PO Box 61039  
Raleigh, NC 27661  
Phone: (919) 876-1355

Dated: August 15, 2014

/s/ John T. Orcutt  
**JOHN T. ORCUTT**  
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6616-203 Six Forks Road  
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Phone: (919) 847-9750

Dated: August 15, 2014

/s/ Kevin L. Sink  
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